

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

THOMAS DANIEL RHODES,

Civil File No. 04-176 (RHK/SRN)

Petitioner,

vs.

**NOTICE OF MOTION AND  
MOTION TO STRIKE**

JOAN FABIAN,  
Commissioner of Corrections,

Respondent.

Respondent State of Minnesota hereby moves this Court for an order striking petitioner's "Supplemental Authority In Response To Respondent's Memorandum" on the grounds that it is contrary to Habeas Corpus Rules 5 and 11, unauthorized by this Court, and unnecessary.

This motion is made pursuant to Habeas Corpus Rules 5 and 11, 28 U.S.C. § 2254, and Fed. R. Civ. P. 7, and is supported by the attached memorandum of law as well as all of the files and records in this case.

Dated: November 16, 2004

Respectfully submitted,

s/ **Thomas R. Ragatz**

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